



September 2, 2015

VIA E-MAIL (werner.robert@epa.gov) and CERTIFIED MAIL

Robert Werner, Enforcement Officer
United States Environmental Protection Agency
Region 6
1445 Ross Avenue (6SF-TE)
Dallas, TX 75202

Re: Commercial Metals Company Response to General Notice Letter for the CES Environmental Services, Inc. – Houston Superfund Site in Houston, Harris County, Texas

Dear Mr. Werner:

Commercial Metals Company (“CMC”) has reviewed the agency’s July 2, 2015 letter stating that it considers CMC to be a Potentially Responsible Party (“PRP”) for the CES Environmental Services, Inc. – Houston Superfund Site (the “CES Site”). As explained more fully below, we do not believe that CMC is liable under the Comprehensive Environmental Response Compensation and Liability Act (“Superfund”) because none of the materials CMC sent to the CES Site remained on the site in a manner to be the subject of the removal action or any ongoing response actions.

The documents the agency provided CMC consist of five bills of lading that indicate CMC sent an oil and water mixture or oily water to the CES site. CMC has searched its files and has found indications that additional loads may have been sent to CES. These additional loads also were oil/water mixtures or oily water. The last shipment for which CMC was able to locate records was shipped on 6/27/2009. This response addresses all of the materials that CMC sent to the site.

CES Waste Handling Operations and CMC Materials

As noted on the documents you provided to us and based upon our knowledge of our transactions with CES, the oily water was transported to CES for processing in tanker trucks, rather than in totes or drums. To our knowledge, and confirmed by Joy Baker, a former CES employee, CES did not dispose of wastes on-site and did not have an on-site landfill or surface impoundment. *See Attachment A*, Affidavit of Joy Baker. Oily materials such as that from CMC would be received at the CES facility and placed in a processing tank located within secondary containment. The material in the processing tank would phase separate. The water layer would be treated in the on-site wastewater treatment plant and effluent was discharged to the City of Houston sewers. It would take approximately two days from the time a batch entered the CES site to when it was processed through the wastewater treatment plant. The oil phase would remain in the processing tank until it was sold to a third party purchaser, which would remove it from the CES site. These oils would have been quickly sold to recyclers and removed from the CES site. *See*

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Attachment A, Affidavit of Joy Baker. Thus, CMC's materials would have been removed from the CES site prior to any response by EPA.

In sum, based on the information in this letter, we believe that CMC has no liability for the CES Site and request the Region's confirmation of this fact. We are happy to discuss our views on the facts and the law, and look forward to a prompt resolution of this matter.

Sincerely,



Brad Bredezen
Director of Environmental
Commercial Metals Company

Attachments

AFFIDAVIT OF JOY BAKER

with regard to

CES ENVIRONMENTAL SERVICES SUPERFUND SITE

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant, JOY BAKER, who after being by me duly sworn, does state:

1. My name is Joy Baker. I am over twenty-one (21) years of age, and am fully competent to make this declaration. I have personal knowledge of the facts stated herein, and I affirm that they are all true and correct.

2. I live in Houston, Texas.

3. I worked as an Account Manager for CES Environmental Services Inc. ("CES") from March 2007 through February 2010.

4. During my employment at CES, I was familiar with the materials brought to CES from Commercial Metals Company ("CMC") and the handling of that material.

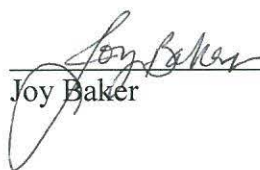
5. During the time period from 2007 to my departure in 2010, I was familiar with the waste management operations and processes at the CES site. Further, as a part of my job, I worked with operations to coordinate the loads arriving at the site and was involved in the selling of the used oil.

6. CES received oily water at the site and transferred oily water into processing tanks, which were located in secondary containment. The processing tank would be heated, and if needed, an emulsion breaker or acid would be added. The material would phase separate. The tank would then be sampled to ensure that the material had been separated. The water layer from

the bottom of the tank would be pumped from the tank to the on- site wastewater treatment plant, which was ultimately discharged to the City of Houston's sewers. The remaining oil was collected in tanks until a third-party purchaser would purchase it from CES and remove it from CES's facility. This process would typically take two (2) days from the time a load arrived at the CES facility. The longest that I am aware of the process taking was approximately one week. CMC's oily water mixtures were handled in this manner.

7. CES did not have any landfills or surface impoundments on the site.

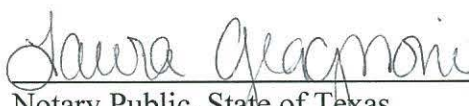
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Joy Baker

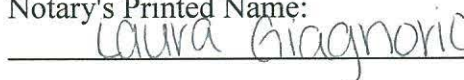
THE STATE OF TEXAS

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SWORN TO AND SUBSCRIBED by said Affiant before me, the undersigned authority, on this 1 day of September, 2015.


Notary Public, State of Texas

Notary's Printed Name:



My Commission Expires:

